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By: Iris E Weber

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S)	:	Gregg A. Bonikowski, et al.
TITLE	:	**THE USE OF JOB INTERRUPT FUNCTIONALITY FOR THE PRODUCTION OF INTERRUPTING AND SAMPLE JOB OUTPUT IN DIGITAL PRINTING SYSTEMS**
APPLICATION NO.	:	09/449,321
FILED	:	November 24, 1999
CONFIRMATION NO.	:	6134
EXAMINER	:	Stephen M. Brinich
ART UNIT	:	2624
LAST OFFICE ACTION	:	June 30, 2005
ATTORNEY DOCKET NO.	:	98721-US-NP XERZ 2 00308

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicants request review of the Final Rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the following 5 sheets.

The Present Application

The present application is directed to digital printing systems wherein sample copies of parts of a main job, that are designated critical or representative of the job as a whole, are produced on a regular interrupting basis so that print quality of the main job can be monitored on an ongoing and regular basis with minimal or no disturbance of the collation or assembly of the main job documents. A more detailed summary of the present application is available, for example, on page 6 of Applicants' Amendment C, which was received in the Office on February 7, 2005.

The Cited References

Claims 1, 4-6 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over a combination of three references: U.S. Patent No. 5,164,842 to Gauronski, et al. ("Gauronski"), U.S. Patent No. 3,936,180 to Willard, et al. ("Willard") and U.S. Patent No. 5,488,223 to Austin, et al. ("Austin"). Claims 9 and 11-14 were rejected under 35 U.S.C. 103(a) as being unpatentable in view of four references: Gauronski, Willard, Austin and U.S. Patent No. 6,011,940 to Van Lydegraf.

Gauronski discloses an electronic printer with a scanner for scanning document pages of a job, a printer for making prints of documents in accordance with job programming instructions wherein the scanner and printer operate asynchronously with respect to one another and wherein interruption of a job to process a special job is affected by interrupting the job currently being scanned by the scanner to scan the proof job while continuing printing of other jobs in the print queue, and when the proof job is ready, interrupting the job being printed to print the proof job while resuming scanning of the interrupted job.

It is respectfully submitted that while Gauronski discloses interrupting a main job, Gauronski does not disclose or suggest interrupting the main job on a regular basis to print a **sample of a portion of the main job**. Instead, Gauronski discloses interrupting a **first job** to print a **second job**. The "proof job" in Gauronski is not a sample of the job currently being printed, but is, instead, a test print of another job.

Willard discloses a xerographic apparatus with manual sample print capabilities. Under certain circumstances, an auxiliary feed path is created to direct pages to a sample print tray. Paper-deflecting fingers are provided to divert pages to the sample tray under the control of the operator 1) first thing in the morning after the machine has been in a power off state and the processor is to be operated (column 1, lines 30-32), 2) after a paper jam has occurred and has been cleared (column 1, lines 41-42), 3) at

any time during the normal operation of the system, the depression of the sample print button will generate a command whereby the page being then printed will be directed to the sample print tray (column 1, lines 60-66) and, 4) when it is desired to print the contents of specified controller memory locations for diagnostic trouble shooting purposes (column 2, lines 13-15).

It is respectfully submitted that Willard does not disclose or suggest the regular production of samples of specified portions of a main job so that main job quality can be monitored without disrupting the collation and assembly of main job output documents.

Austin allegedly discloses a system and method for the automatic selection of printer operating parameters using a preprinted bar code image on a portion of a selected print medium or separate sheet of bar code parameters and commands. Bar code image specifies characteristics of the printed print media. A bar code scanner operates in conjunction with a bar code printer and scans the bar code image (Abstract).

It is respectfully submitted that Austin is non-analogous art with respect to the claims of the present application. One concerned with developing a method for producing interrupting jobs during the processing of a main job in a document processing apparatus would not look to Austin.

Austin includes the word "sample." However, Austin does not disclose or suggest printing samples. Instead, at column 10, line 28, Austin indicates that the system can sample (verb) the output image and statistically determine the quality of the output images. Austin does not disclose or suggest generating special sample images. Instead, it is respectfully submitted that Austin discloses taking a measurement of a selected output image so that it can be analyzed at predetermined periods of time, such as every five minutes, or at predetermined intervals, such as every tenth output image (column 10, lines 30-33). Nevertheless, claims 1, 4-6 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gauronski in view of Willard and Austin. Since Applicants' Amendment D was not entered, claim 1 currently recites:

> 1. In a document processing apparatus comprising a plurality of machine modules for processing and/or producing printed media, a method for producing interrupting jobs during the processing of a main job, the method comprising:
>
> specifying the main job, the main job having at least one measure of progress;

starting production of the main job;

preselecting at least one representative part of the main job;

specifying a sample job production interval for the at least one representative part;

interrupting the main job at a point when productivity is maintained and media is not wasted **based on the at least one measure of progress and the specified sample job production interval**;

producing the sample job, and;

resuming the main job.

Claim 10 currently recites:

10. In a document processing apparatus including a plurality of machine modules that process and/or produce printed media, a method for producing sample copies of specific parts of a document, the method comprising:

specifying a job;

predetermining which parts of the job are representative;

specifying a sample interval for each of the representative parts of the job;

producing the job;

measuring intervals for each of the specified representative parts and when a particular interval is reached;

generating an interrupting job description calling for the generation of a sample of the representative part of the job corresponding to the particular interval that was reached;

presenting the interrupting job description for processing;

analyzing the interrupting job description;

determining an efficient point in the job to produce the samples;

interrupting the main job at the efficient point;

processing the interrupting job description to produce the sample, and;

resuming the main job.

It is respectfully submitted that Gauronski, Willard and Austin do not disclose or suggest preselecting or predetermining representative parts of the main job. Furthermore, the cited references do not disclose or suggest specifying a sample job production interval for the at least one representative part. Moreover, it is respectfully submitted the cited references do not disclose or suggest interrupting the main job at a point when productivity is maintained and media is not wasted based on the at least one measure of progress and the specified sample job production interval.

The Office Action relies on Willard (column 1, line 60 -- column 2, line 12) for disclosure of preselecting at least one representative part of the main job. However, the cited portion refers to the third mode of operation of Willard wherein during normal operation of the system, the depression of the sample print button generates a command whereby the page being then printed will be directed to the sample print tray. It is respectfully submitted that **this does not disclose or suggest preselecting a representative part**. Instead, it is respectfully submitted that since it is unlikely that the operator of the system of Willard can know which sheet is currently being printed, the depression of the print sample button of Willard represents a random sample that may not be representative. Furthermore, Willard does not disclose or suggest specifying a sample job production interval for producing additional samples of the same portion of the main job.

In this regard, the Office Action asserts that Austin discloses providing a sample at predetermined intervals. However, as explained above, Austin does not disclose providing a sample at predetermined intervals. Instead, Austin discloses taking a sample (i.e., measuring) at predetermined intervals. Furthermore, **the Office Action provides no evidentiary basis for the stated motivation for the combination** of Gauronski, Willard and Austin.

Moreover, the statement of motivation provided: "in order to ensure that the printing system does not run without monitoring for more than a given length, thus limiting the number of unsuitable prints produced before the next check" **can only have been found in the present application**. Therefore, the rejection of claims 1, 4-6 and 10 in view of the combination of Gauronski, Willard and Austin is based on **impermissible hindsight**.

Claims 9 and 11-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gauronski, Willard and Austin as applied to claim 1 above and further in view of Van Lydegraf. In this regard, arguments similar to those submitted in support of claim 1

are submitted in support of claims 9 and 11-14. For example, independent claim 11 recites inter alia:

> wherein the at least one computing platform is operative to receive a job specification, **a predetermined representative part specification** and **a sample interval specification associated with the predetermined representative part specification** and to control the plurality of machine modules to produce a job according to the received job specification and **to produce samples according to the representative part specification at intervals determined by the sample interval specification**.

It is respectfully submitted that the cited combination of references does not disclose or suggest at least the bolded portions of this element of claim 11.

Additionally, it is respectfully submitted that the Office Action provides **no evidentiary basis** for the asserted motivation to combine the references.

Moreover, it is respectfully submitted that the asserted motivation is found only in the present application. Therefore, the rejection of claims 9 and 11-14 is based on **impermissible hindsight**.

Conclusion

For the reasons detailed above, Pre-Appeal Review is respectfully requested. In the event personal contact is considered advantageous to the disposition of this case, please telephone the undersigned at the listed number.

Respectfully submitted,

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11/28/05
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